

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

CAPITOL RECORDS, INC., et al.,)
Plaintiffs,)
v.) Case No. 2:06-CV-395 JVB
SEYDOU KOYATE,)
Defendant.)

ORDER

On June 19, Magistrate Judge Paul R. Cherry issued a Report and Recommendation on Plaintiffs' Motion for Summary Judgment to which Plaintiff has failed to file a response. Judge Cherry advised the Defendant that, pursuant to 28 U.S.C. § 636(b)(1), he had ten days to object to the Report and Recommendation and that, if he did not object, he would be waiving his rights to challenge it later. To date, the Defendant has not objected.

Accordingly, the Court now accepts Judge Cherry's Report and Recommendation and orders as follows:

The Court grants Plaintiffs' Motion for Summary Judgment [DE 18] and awards Plaintiffs (1) statutory damages under 17 U.S.C. § 504(c)(1) in the total amount of \$6,750, with interest to accrue as prescribed under 28 U.S.C. § 1961; (2) court filing costs of \$350 under 17 U.S.C. § 505, and (3) injunctive relief, ordering that, pursuant to 17 U.S.C. §§ 502 and 503, Defendant be enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- 1) "Like a Rock," on album "Like a Rock," by artist Bob Segar (SR# 76-353);
- 2) "Another Brick in the Wall, Pt. 2" on album "The Wall," by artist Pink Floyd (SR# 14-

787);

3) "My Heart Will Go On," on album "Let's Talk About Love," by artist Celine Dion

(SR# 248-109);

4) "Born Country," on album "Born Country," by artist Alabama (SR# 235-743);

5) "Love Come Down," on album "Get Loose," by artist Evelyn King (SR# 41-907);

6) "Badlands," on album "Darkness on the Edge of Town," by artist Bruce Springsteen
(SR# 3-323);

7) "Human Touch," on album "Human Touch," by artist Bruce Springsteen (SR# 152-
008);

8) "Better Days," on album "Lucky Town," by artist Bruce Springsteen (SR# 141-676);

and

9) "The Ghost of Tom Joad," on album "The Ghost of Tom Joad," by artist Bruce

Springsteen (SR# 205-154);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs.

Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall

destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

SO ORDERED on July 22, 2008.

s/ Joseph S. Van Bokkelen
JOSEPH S. VAN BOKKELEN
UNITED STATES DISTRICT JUDGE